### otisranch@wispwest.net

Fri 6/19/2020 6:57 AM

To:Hemmer, Scott <SHemmer@mt.gov>;

Dear Fish Wildlife & Parks Commission,

The Lone Tree CE looks like a worth wild project. This CE should help keep this ranch in business for many years. The grazing plan looks great, and the opportunities for hunting should get better because of it. Please support this CE.

Thanks Bert Otis

### **Lone Tree CE, Draft CE and Management Plan Comments**

Issues and concerns I perceive related to this proposal. Comment date 16-18-2020

My first concern after reading the DEA is not being able to find answers to concerns I addressed from my earlier 10-31-19 comments to FWP: (the following is from my first comment reply on the CE)

1. HUNTER ACCESS. Will the hunter access at the CE areas be by state statutes? The DEA (draft environmental assessment) is now stating there will be designated parking spots on county (or other designated CE ranch roads) for hunters to directly access to CE lands without accessing CE lands through other privately owned property. This access would additionally be by walking in and walk out, and "no vehicle access". This method of access is a reasonable mandate for the neighboring properties. Also this access would take away any question about whether CE hunters on CE land have legally accessed, but on page 16 of DEA there is an exception, "with the express permission of the Landowner or Landowner's agent, the public can drive off roads, routes and trails." I read the exception saying Landowner can give permission for "specific" hunters to access to the CE boundary other than the designated county road points. Again by state statues a hunter needs to have permission to cross all/any other landowner property to access to the CE area where permission to hunt was granted. I have been in this area for all my life, and been hunting it for 54 years. I have seen where in the past, outfitter's hunters (and other hunters) have not always followed legal access rules. Who is responsible to make sure illegal access is enforced, the hunter, the guide/outfitter, FWP (now) or the landowner who is providing the hunting grounds? This CE exception on allowing Landowner to permit additional access with the CE brings the hunter access issue up again. Trespassing (illegal access) is easy to do in this wide open country. Requiring legal public access for the hunters into the CE areas is important. I would suggest only allowing all hunting access and retrieval to be on CE land at the designated points, by foot traffic methods only, with no exceptions. In same regards the DEA makes reference that public access for hunting must be managed on a nonpreferential and non-discriminatory basis. Point being, if Landowners allows certain hunters better access points and allows motorized retrieval of game for some, then this would not be fair with all parties, especially those that walk in and out, no motorized vehicle. I am not sure why FWP allows the exception, for the Landowners to arbitrarily allow some hunters to drive off roads, routes and trails and motorized retrieval. Implementation and actively monitoring of the public accessing into the proposed areas is critical element tied to the success of the CE and/or the irritation of local neighbors. This access monitoring becomes much more of an effort with the Landowner exception allowed. The original access as stated, without the exception, would allow the Landowners neighbors to be more accepting of the CE.

Before the CE was started, the Landowner's property areas were conveniently accessed across the other property owners in the area. The current land owners of the proposed CE have rejected my request for signing an access easement to allow me to have legal access easement documentation to access property I own that is further back in. The reason given by them for not signing my access proposed easement was, "in this area we do not want to require formal easements from other property owners to pass through the neighbor's land to

get to their own land". I can understand a rancher's view on not requiring formal easements, but what is legal and fair for one should be the same for all. Without legal easements established, the only legal access the general public has to access the proposed CE areas is by utilizing the county (public) roads and then not crossing any other private lands unless a formal easement is established.

- 2. "CE ACCESS" Does the CE have legal access to allow the public to cross CE neighbor's land to get to a CE areas? The CE map provided still shows where one separate CE area is not directly accessed off a county (public) road. This specific area is in section 13, T24N and R18E (the access land that needs to be crossed is owned by Bolds). Maybe Bolds have agreed to an easement for public access through their property. I would like to see that document. Also the proposed easement area shown on your enclosed map in sections 3 and 10 of T23N and R18E is not accessible because you cannot crisscross other property to enter into this area. (Jerry Magda's property). Again maybe there is an access easement for the CE?
- 2. COST. Before the State (FWP) entertains or provides funding of this easement proposal, extensive land costs evaluation on the proposed reimbursement needs to be explained by the FWP. Creating a conservation easement is not only a concern with locals but with all citizens of the state. The funds required to support this endeavor comes from the State FWP fees and licenses. There is now a proposed dollar amount provided on the cost for this proposal stated in the DEA. The appraisal numbers used to equate the CE value should be shared to all citizens of the State and needs be transparent and up front. (See alternatives, page 2 for a brief FWP explanation of the appraisal.

A \$5,000,000 dollar reimbursement amount for the CE is listed in the DEA. The deeded land includes 11,285 acres total or a value of \$443/acre based all Landowner deeded area. Considering 2/3 of the deeded land is pasture land or what could be called "bad lands" if one is trying to raise cattle on it. The southern CE area has no ground water except from what rain or snow provides on the surface. Where did the \$5,000,000 figure come from? \$5,000,000 would have been a good price for the Landowner to sell out completely in my opinion. What is the number of hunter days anticipated who would be afforded this CE opportunity? What is the price per a hunter day figure out to be?

3. IMPLEMENTATION. Other concerns include opening the area up to more hunters and the ill-informed hunters on easement boundaries and legal access and routes. I have been hunting in these same breaks (54 years) and have never seen a game warden in the area at the same time as myself, except opening day of the 2018 hunting season. Does the MTFWP have the staff and funds to truly enforce hunting regulation with this large easement area? Does the FWP have qualified staff and the time to assure plan management is acceptable?

#### Concerns with the current DEA document: FWP 6-12-2020

1. page 5, para 6. Impacts on adjacent lands. "no significant negative impact would be expected". I totally disagree. First the number of hunters in the area will go up drastically. I would not guess how many more hunters will now show up because of the CE. I have been in similar areas of the breaks that have considerable more public hunters such as, Cow Creek area and CMR Russel areas. These public land areas draw a whole lot more hunters then what you currently see in the previous "hunting by outfitter" area of the CE. More hunter numbers means more conflicts. More damage to the very poor county roads (hardly any gravel and considerably more gumbo) in the area, with hunters traveling to the CE designated areas during wet fall times. There is little to no county maintenance on county roads now. Now there will be an increase in the number of hunter numbers traveling the roads. EMT service is also very limited in the CE area. If an accident happens, the local volunteer EMS comes from a long ways away to try and help. This situation is same as when the Monument was planned. Similarly the FWP is trying to develop a big project for the people, but not planning to make the complete and appropriate improvements. There is no effort to improve the local road infrastructure and (I would assume) with no funds available for the County to help the situation. Has the DEA even asked opinion of the CE from County staff?

To arbitrarily state in the DEA that the FWP is going to add staff is bogus. I think I heard you did not even have staff to keep a hunter's station on the east side of Havre open. I live in Great Falls and I travel the IX property to and fro from the breaks. A couple of years ago the IX ranch went to a block management plan and what a mess. There was so much additional traffic along the Big Sandy road, "road hunting" I think they call it. The vehicles stopped any which way to view into the management area and not watch the road, funny no one was hurt from a vehicle accident.

In the same referenced para. What does "All parcels of property included in the easement have been verified to have public access or will have easements for public easement by recording of the easement"?

Adjacent land owners, granted there are not many left, will be impacted. Their phones will ring more from new hunters who want additional hunting ground, who want to be pulled out of the bog hole in county road, or neighbors will find a fence gate either not shut a gate shut when it was open. Litter and trash will come with extra hunters.

2. Public Involvement, page 8. Why were the concerns/questions (issues raised) by the public but not answered directly in the DEA? I wonder why I go through the effort to ask questions or raise concern and then get no direct answer on the issues? I can get answers from the DEA for some of the issues, but please answer item 2) will the general public be provided legal public access? Several of the parcels do not appear to have legal access. And answer item 3) what will the cost for the easement be (we got that figure) and will the easement be worth the cost?

3. Under the, rights conveyed to the department, page 15. Para 5, sub para c and sub para iii. "public access for hunting must be managed on a non-preferential and nondiscriminatory basis" How will this truly work, when the CE allows the Landowner to take exception to require hunters to use designated parking areas, walk in only, and allow the public to drive off roads, routes and trails. I read the exception saying Landowner can give permission for "specific" hunters to access to the CE boundary other than the designated county road points and can allow motorized retrieval. Allowing the exception will automatically create a non-preferential and nondiscriminatory condition. This is a big concern. Hunters walking in 2 miles from the designated points and retrieving their game by foot have earned that animal.

On page 16, top para f, is the verbiage allowing for Landowner to make exception to start hunting at a designated point, and only walking in and out.

The CE should not be a complimentary benefit to Landowner's hunting interest, i.e. the Landowner saving and hunting the "hot spots" by vehicle over any route, where general public is restricted. The Landowner can hunt but be restricted to the same regulations as the general public.

- 4. FWP minimum standards for grazing livestock. Page 47. General concern why is the BLM resources not used with grazing management? BLM have been implementing cattle grazing for a long time and are very familiar with this area. Was either the BLM or Monument people brought into this discussion on new changes in the area with the CE? Seems like the BLM or Monument staffing may have concerns also, same as Blaine County.
- 5. Lone Tree CE management Plan, page 59, top of the page. "In addition to deeded lands included in this CE there are also 167 acres of School trust land managed by DNRC and 740 acres of land managed by the BLM. Why are School trust and BLM lands included in this CE? Does the Landowner get payment for these lands also?
- 6. Lastly, in the past I have been in the position to try and contact this Landowner for items related to hunting and he is not easy to contact. In the past I have spent up to 30 phone contacts to get a hold of him by phone. How will this CE hunter communication be better handled? Communication is a timely thing for the general public also. The general public has many dollars invested in their efforts also.

**In conclusion.** For the high price the FWP is approving for this CE, the general public should be getting equal rights and privileges for CE hunting conditions. This is a big deal and hopefully FWP feels they are making the best quality hunting opportunity for all area hunters. When FWP promote such endeavors, the FWP needs to step up and try to enhance local infrastructures (county roads and EMS as example) for the other people who have to live in this area with a CE. These neighbors do not get compensated at all. This CE is no benefit for the other locals of the area, just more people and problems.

### Preeshlr@gmail.com

Tue 6/23/2020 10:09 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

FWP has to be completely out of their mind Paying almost 1/2 the asking price in which the land owner was willing to sell for!!!! The public looses big in this one as letting the landowner maintain the access is also complete wrong. This land owner is planning on letting the 6 non residents that has been paying him directly to to hunt for 2 weeks the ability to take up 2 weeks of those hunter days and they will still be paying him. If this goes through public comment and investigating the the land owners background obviously was not acknoledged!!!! WAKE UP FWP

## [EXTERNAL] Lone Pine easement

### Dan Spicher <danspicher406@gmail.com>

Mon 6/29/2020 3:45 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

#### Scott,

I am responding to the request from the public, regarding the Lone Pine Conservation Easement with the State of MT and the Gasvoda families.

I would like to make it known, that in 2006 and again in 2007, in my family we drew two Bighorn Sheep tags. The Gasvoda families were supportive, granted access, and in return only asked that we not tear up the roads if they were to become wet, close all gates we opened to access different areas, and in addition provided keys to locks on gates when general season opened. This area is very remote, and a very special place hidden in the outlying areas of MT. In my opinion this is a gift to the state and a gift to all outdoorsman in this state. It must be managed as they have in the past, regarding access, and travel restrictions. 400 hunter days is a large number, but if control of the management is shared with the Gasvoda families, I do think it can be accommodated.

It is of special note that the Gasvoda's have been very good stewards of the land and resources, as to have just survived the economic situation in Ag, but to have grown the operation in the fashion they have is a testament to that. This easement is a large investment, but it as well should ensure that the same family that has built this operation can for generations if they so desire, continue to be stewards of the land and continue in the MT way and raise families in the field of agriculture. I support this easement fully, and look forward to enjoying the opportunity it will provide.

Dan Spicher Kalispell, MT

### rainer1875@hotmail.com

Tue 6/30/2020 9:53 AM

To:Hemmer, Scott <SHemmer@mt.gov>;

If this will provide hunting access for walk in I think this will be good. I also believe a hiking multi-season approach would be good. Improving habitat is a great thing. I applaud your efforts.

### DGAGNER33@GMAIL.COM

Tue 6/30/2020 6:09 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

This is a great opportunity to provide public access in some incredible wildlife habitat, please move forward with the C.E.

# [EXTERNAL] Lone Tree Conservation Easement

## Greg <greg@schineelectric.com>

Tue 6/30/2020 10:30 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I would like to express my full support of the Lone Tree Conservation easement in Blaine County.

Sent from my iPhone

# [EXTERNAL] Lone Tree Conservation Easement

## Greg Munther < gmunther 12@gmail.com>

Wed 7/1/2020 6:52 AM

To:Hemmer, Scott <SHemmer@mt.gov>;

As a lifelong hunter who is concerned about both retention of landscape scale quality habitat and opportunities for the next generation of hunters, I support the acquisition of this important conservation easement.

Greg Munther 1295 Lena Lane Missoula, MT 59804

### bditylr@gmail.com

Wed 7/1/2020 7:56 AM

To:Hemmer, Scott <SHemmer@mt.gov>;

The Lone Tree conservation easement holds great opportunity for our pride-filled Montana values. The future of our habitat and accessibility for our children to enjoy. The fantastic CE work between private landowners and our great State is second to none.

### tr\_heater@hotmail.com

Thu 7/2/2020 1:27 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I strongly support MT FWP purchasing the Lone Tree Conservation Easement. Protecting this property as a working ranch is particularly important due to the strategic location of this property between Birch Creek/Black Coulee BLM lands and the Bullwacker BLM lands. Maintaining this area in its relatively intact natural state will secure a wildlife travel corridor between these two areas.

This area has struggled with maintaining public access to large areas of BLM and other public lands, in particular the massive Bullwacker area. The public access component of this conservation easement will secure vital access to these lands in perpetuity.

Thank you, Travis Heater

## Brownbear932008@yahoo.com

Thu 7/2/2020 2:26 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I fully support CEs I think this is a great use of sportsman dollars. Thank you Kenny Stillwell

# [EXTERNAL] Easement

## gary bryson <gobryson87@yahoo.com>

Thu 7/2/2020 3:50 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I support this easement

Sent from Yahoo Mail for iPhone [overview.mail.yahoo.com]

### randy182@msn.com

Thu 7/2/2020 5:04 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I support the purchase of the Lone Tree conservation easement. I feel that this is an incredible opportunity, and will benefit the people of Montana immensely.

# [EXTERNAL] Lone Tree CE

### Steve Schindler <sas@nemont.net>

Thu 7/2/2020 8:17 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

The Montana Sportsmens Alliance is supporting the Lone Tree CE,

Leadership team
Steve Schindler-Glasgow
Joe Perry -Conrad
Dale Tribby -Miles City
JW Westman – Laural
Robert Wood Hamilton
Doug Krings -Lewistown
Laura Lundquist –Missoula
Gary Hammond – Billings
Jeff Herbert - Helena
Don Thomas – Lewistown

### derekcasanovas@gmail.com

Mon 7/6/2020 10:58 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

Love this opportunity to secure public access here. Great cooperation between the landowner and FWP. Very supportive of this conservation easement.

### fuzzyvoxes@gmail.com

Wed 7/8/2020 4:11 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I'm very supportive to this easement, and the proposed habitat improvement for wildlife in this section. As a visitor, hunter and (hopefully eventual resident), I love the push for more habitat and opportunity being provided by Montana FWP. Especially these areas that are more prairie like in habitat.

### white.derek44@gmail.com

Wed 7/8/2020 4:14 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

This easement would be a great success in the breaks, conserving habitat and expanding public access is always a good thing.

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jasonisni	,	@ 1C1O	aa.com

Wed 7/8/2020 4:26 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

Thank you for the opportunity to comment on this proposed conservation easement. I am a lifelong hunter, former resident of Montana, and current non-resident hunter. One of my biggest concerns as a hunter is maintaining intact portions of habitat, and improving what habitat is currently available. In addition, I am highly concerned with loss of public access to both private lands and landlocked public lands.

This proposed easement would benefit all sportsmen and women by addressing all of these concerns. This portion of Montana is a natural gem and is entirely worthy of this protection.

I fully support the purchase of this conservation easement.

Thank you.

Jason Snyder

## Adventurewestproductions@gmail.com

Wed 7/8/2020 4:43 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I whole heartedly support the Lone Tree Conservation Easement. It?s a great idea.

### marcsvee@gmail.com

Wed 7/8/2020 4:58 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

I think that this conservation easement would be very beneficial to both public land users and the landowner in question. I have accessed much of the public ground around this easement through various means - and this inclusion will be a positive move.

I applaud FWP and the landowner(s) for working through the details.

I strongly support this move and hope to see it move forward.

## [EXTERNAL] comment Lone Tree easement

### Lou Hagener < lihagener@bresnan.net >

Thu 7/9/2020 7:33 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

Scott

Here is my comment for the Lone Tree easement.

To: Scott Hemmer, Havre Biologist Mt Fish Wildlife and Parks

From: Louis I (Lou) Hagener

RE: Comment to EA Lone Tree Conservation Easement Proposal

Date: July 9, 2020

Changes in land ownership and attitude of landowners in Montana has made it difficult to manage land and the wildlife, hunting and general recreation. This is especially true in the area of South Blaine and Eastern Chouteau counties where there is a fair amount of public land.

I am familiar with area having grown up recreating in the area since my childhood in the 1950's-60's. I also oversaw the rangeland management and grazing administration aspects of the public land in the area while working in the Bureau of Land Management from 1992 - 2008.

I recognize that some of the points I am raising in these comments to the EA might be covered in Appendix II Deed of Conservation easement and Appendix III Easement Management Plan it would be useful if notes of reference would be provided to clarify the EA.

Page 2 Alternative A: Acquiring easements to private land and across private land to public land in the area is a welcome development. The appraised easement value of five million dollars seems a lot of money but a perpetual easement is a long time it is likely that in 50 years we will come to recognize it as a good investment.

Page 2 Alternative A: A strict Rest Rotation grazing system may not be in the best interest of the land and purpose of this easement. I urge that the terms of this easement move to an attitude of applying Best Grazing Management Practices which can include principles of rest rotation and evolving understanding of grazing and rangeland management and technical ability to apply management.

Page 2 Summarized Terms point (4) It might be useful to explain how the 400 hunter days was arrived at.

Page 3 continued from Page 2 point (4) noxious weeds should include addition of: ..... as designated in State regulations.

Page 3 point (10) same point as above but also in accordance with chemical label restrictions.

It could be useful to state or clarify attitude on chemical fallow and fertilizing methods of farming since it is becoming apparent that chemical fallow/fertilizing may not be in the long term purposes of this easement. Also to not conflict with point (10) under restricted uses.

Page 4 Vegetation Resources. This section does not mention threatened or endangered plant species. This might be expanded to mention T&E plant species as is often required in NEPA documents. For a short time I was expected to address

T&E plants in the area and at the time we were not aware of any plants that would qualify as T&E plant species, however I suggest that FWP check with the Montana heritage program to verify.

Page 6 Public Services/Taxes/Utilities: Concerning taxes on cattle might not be as clear as it could be. Taxes on livestock changed per action of the Montana State government and are likely to continue to change. In addition, livestock on the properties currently are crossing between counties and if pastured cattle were to be placed on the property they may well be from other counties. This is not likely to be a significant issue, but can be concern.

Page 8 Evaluation of Need for EIS: Having been involved with developing projects and land management actions, including writing of Environmental assessments and Environmental Impact Statements: I agree that an Environmental Impact Statement is not necessary.

Page 8 Public involvement. NEPA does require responses to comments of merit be addressed. If MEPA requires specific response these responses should be made available if not in the document by reference to the appropriate record.

#### Page 29 section F. Easement Baseline Report

Monitoring activities need to have a larger purpose than just compliance with the terms of the easement. When monitoring indicates changes in the resource values are occurring it may or may not be a factor of compliance. Monitoring also needs to be a continuous process including keeping good records of causal influences such as weather (precipitation, weather events, fire etc), actual use of grazing (dates of use, duration of use, class of livestock and number of livestock) and other uses to accurately determine what has led to the effect observed.

Page 47 discusses sustainable grazing practices as a guideline. In the Rangeland Management Science there are advancements in understanding of ecological processes and application of grazing technology that it is possible for grazing practices to go beyond sustainable and actually be regenerative to ecosystem health and function.

Page 48 Standard for Summer/Fall In the past, growing season concerns have focused on the spring and early summer with little emphasis on fall growing season. It is now being recognized that the late summer early fall growing season is also important, especially cool season perennial grasses that are important species in the area of this easement. This later season growing period has been identified as the primary season for healthy root growth, carbohydrate storage and preparation for the following growing season start.

Page 49 depiction of a three treatment Rest Rotation should be reinforced as a simple example and not be construed to be a rigid sequence of grazing to be applied. A grazing prescription needs to <u>understand the principles</u> of meeting plant physiological needs, other management goals/objectives and faithfully applying the prescription.

Page 51 Stocking Rate: Prudent stocking rates vary from year to year mostly based on immediate weather circumstances but also on the grazing strategy and specific goals and objectives. It needs to be reinforced that actual use records be permanently maintained and periodically reviewed/consulted between the Mt FWP, landowner and livestock operator in annual and future management planning.

Within the Standards for Grazing livestock it is recommended that there be a section that states improvement will be wildlife friendly. Including standards for fences, access to water etc. Also electric fence and especially advances in materials for temporary electric fences hold promise for being wildlife and aesthetically friendly.

It might also be useful to insert a provision for Targeted grazing treatments to address specific resource issues. Advances in application of Target Grazing is growing rapidly and more widely accepted and successful. These would be specific short term occasional treatments in specific areas to meet specific objectives. Examples could include weed control, fire breaks, wildlife habitat manipulation, pre and post crop management etc.

It might also be useful to insert language that Mt FWP the landowner and other landowners and land management agencies in the area will be consulted and cooperated with whenever possible to maintain a good neighbor relationship.

A detail read of and comment on Appendix III has not been made, however the comments to the EA and Appendix II apply to coinciding sections of this Plan.

Thank you for the opportunity to comment on this easement proposal. I hope it can come to fruition and that Montana Fish, Wildlife and Park continue to pursue similar easements that will provide more and better wildlife habitat, access to private and public land while maintaining responsible use of lands and natural resources in Montana.

Louis I (Lou) Hagener 612 17<sup>th</sup> Street Havre, MT 59501 406 265 5205

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Sat 7/11/2020 4:44 PM

To:Hemmer, Scott <SHemmer@mt.gov>;

To whom it may concern,

I am writing to express my support in FEP acquiring the Lone Tree Easement.

Thank you

Justin Schaaf